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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

JOSE ZEPEDA ALCARAZ, an  
individual; MARIBEL ALCALA DE  
PEREZ, an individual,

Plaintiffs,

v.

MARTEN TRANSPORT LTD, a  
corporation; JERRY WAYNE DUDLEY  
JR, an individual; and DOES 1 to 25  
inclusive,

Defendants.

Case No. 1:23-CV-00615-JLT-SKO

**STIPULATION AND ORDER TO  
MODIFY SCHEDULING ORDER**

(Doc. 32)

Assigned to: Hon. Jennifer L. Thurston  
Magistrate Judge: Hon. Sheila K. Oberto

Complaint Filed: March 9, 2023  
Trial: March 4, 2025

Pursuant to Rules 6(b) and 29(b) of the Federal Rules of Civil Procedure and  
Pursuant to Local Rule 143 Plaintiffs JOSE ZEPEDA ALCARAZ and MARIBEL  
ALCALA DE PEREZ ("Plaintiffs") and Defendants MARTEN TRANSPORT LTD and

JERRY WAYNE DUDLEY JR (“Defendants”) (collectively the “Parties”) hereby respectfully stipulate and request the Court amend the Scheduling Order (ECF No. 29) for good cause, and in support thereof would respectfully show the Court as follows:

On August 17, 2023, a Scheduling Conference was held; the Court set the following deadlines pursuant to Federal Rule of Civil Procedure 16 and Civil Local Rule 240:

Non Expert Discovery: June 14, 2024

Expert Disclosures: August 1, 2024

Rebuttal Expert Disclosures: August 29, 2024

Expert Discovery: September 27, 2024

These deadlines were amended on May 9, 2024 via Stipulation and Order as follows:

Non Expert Discovery: August 16, 2024

Expert Disclosures: September 26, 2024

Rebuttal Expert Disclosures: October 24, 2024

Expert Discovery: November 22, 2024

Plaintiffs now request a further amendment to the discovery cutoff dates as follows:

Non Expert Discovery: September 16, 2024

Expert Disclosures: October 16, 2024

Rebuttal Expert Disclosures: November 14, 2024

Expert Discovery: December 12, 2024

Good cause exists to grant this joint stipulation and the Parties request this reset and amendment to the Scheduling Order for the following reasons:

The parties have been diligently conducting written discovery, and are in the process of scheduling the necessary fact depositions as soon as practicable. Plaintiffs are waiting on key evidence in the form of police and ambulance records, photographs, and videos, which have been subpoenaed from the relevant agencies, and which

1 Plaintiffs require before deposing Defendant Dudley and Defendant Marten's Person  
2 Most Qualified.

3 The depositions of police officers at the scene of the Incident, Officers Aldrete  
4 and Diaz, have been noticed for July 19, 2024. Depositions of Plaintiffs Jose Zepeda  
5 Alcaraz and Maribel Alcala de Perez are scheduled for July 29 and 30, 2024, and Plaintiff  
6 plans to take the depositions of Defendant Dudley and Defendant Marten's PMQ as soon  
7 as possible thereafter. Plaintiffs have also been trying to locate and subpoena accident  
8 eyewitness Kenny Gerard, who was named in the Traffic Collision Report, but have not  
9 yet located him.

10 In addition, Plaintiffs have retained an accident reconstruction expert to conduct  
11 an inspection of Defendant's vehicle at issue in the case. Plaintiffs hope to arrange that  
12 inspection to take place in early August.

13 Further, Plaintiffs are unable to conduct these depositions during June or early  
14 July, because Plaintiffs' counsels of record are each going to be out of town and  
15 unavailable between Sunday, June 16 and Thursday, July 11 (and, in the case of day-to-  
16 day handling attorney Jennifer Bagosy, out of the country during those dates). For each  
17 attorney, these travels have been paid for and planned for many months. Plaintiffs' and  
18 Defendants' counsels are working together to set firm dates for all outstanding  
19 depositions before mid-August; however, it is unlikely that all fact discovery can be  
20 completed by August 16, 2024.

21 The additional brief continuance may aid the facilitation of settlement, it will not  
22 cause any prejudice to the Parties or any third-party, and it is not requested for any  
23 improper purpose.

1 Dated: 6/7/2024

CLARK HILL LLP

2  
3 By: /s/  
4       Bradford G. Hughes  
5       Seta Sarabekian  
6       Attorneys for Defendants MARTEN  
7       TRANSPORTS LTD and JERRY WAYNE  
8       DUDLEY JR.  
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Dated: 6/7/2024

BD&J, PC

By: /s/ Jennifer Bagosy  
Olivier Taillieu  
Jennifer Bagosy  
Attorneys for Plaintiffs JOSE ZEPEDA  
ALCARAZ and MARIBEL ALCALA DE  
PEREZ

**ORDER**

Pursuant to the parties' foregoing stipulation (Doc. 32), and for good cause shown (*see* Fed. R. Civ. P. 16(b)(4)), the case schedule (Doc. 31) is MODIFIED as follows:

	<b>Previous Deadline</b>		<b>New Deadline</b>
Non-Expert Discovery	August 16, 2024		September 16, 2024
Expert Disclosures	September 26, 2024		October 16, 2024
Rebuttal Expert Disclosures	October 24, 2024		November 14, 2024
Expert Discovery	November 22, 2024		December 12, 2024
Non-Dispositive Motion Deadline	Filing: December 6, 2024 Hearing: January 15, 2025		Filing: December 13, 2024 Hearing: January 22, 2025

All other dates in the case schedule (Doc. 31) REMAIN AS SET.

IT IS SO ORDERED.

Dated: **June 14, 2024**

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE